

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

ARBOR HILL CONCERNED CITIZENS
NEIGHBORHOOD ASSOCIATION; ALBANY COUNTY
BRANCH OF THE NATIONAL ASSOCIATION FOR THE
ADVANCEMENT OF COLORED PEOPLE; AARON
MAIR; MARYANN MAIR; and MILDRED CHANG,

Plaintiffs,

- against -

1:2003-CV-502
(NAM/DRH)

COUNTY OF ALBANY; ALBANY COUNTY BOARD
OF ELECTIONS,

Defendants.

APPEARANCES

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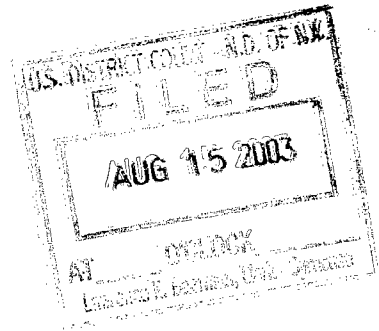
OF COUNSEL

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Mark Bini, Esq.

Michael C. Lynch, Esq.



NORMAN A. MORDUE, District Judge

SUMMARY ORDER and REFERRAL ORDER

Magistrate Judge David R. Homer having issued a Report-Recommendation in accordance with this Court's Referral Order of June 12, 2003, and having determined that an order be entered:

1. Enjoining the 2003 election of County legislators pending adoption by the Legislature of a new redistricting plan which creates a fourth majority minority district and otherwise complies with the Voting Rights Act; and
2. Referring this matter back to the Magistrate Judge to establish a schedule for submission of such a revised redistricting plan by the County and a hearing to consider objections thereto,

and defendants having filed timely objections to the Report-Recommendation and the Court having conducted a *de novo* review of the record and determinations of the Magistrate Judge and the Court having considered the exigency of circumstances which has compelled the Court to attempt to resolve this litigation promptly so that 2003 election activity can proceed, it is hereby

ORDERED that the Report-Recommendation of Magistrate Judge Homer is hereby adopted in its entirety based upon the reasons set forth by the Magistrate Judge in his Report-Recommendation and - after *de novo* review - upon those additional reasons set forth in a Memorandum-Decision and Order of this Court to be filed forthwith at date subsequent to issuance of the present Summary Order; and it is therefore

ORDERED that plaintiffs' application for a preliminary injunction is hereby GRANTED; and it is further

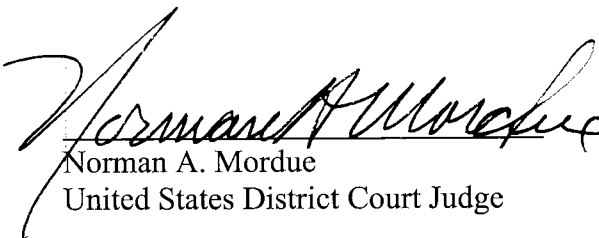
ORDERED that defendants are enjoined from conducting the scheduled 2003 election of Albany County legislators pending adoption by the legislature of a new redistricting plan which creates a fourth majority minority district determined to be compliant with the Voting Rights Act; and it is further

ORDERED that this case is referred to Magistrate Judge David R. Homer pursuant to 28 U.S.C. § 636(b)(1)(B) for the following purpose:

1. To consult with counsel for the parties and establish a scheduling order for submission of a revised redistricting plan and to conduct hearings, including evidentiary hearings if necessary and/or a trial on the question of the whether any such revised plan meets the requirements of the Voting Rights Act and to submit to the undersigned proposed findings of fact and recommendations for the disposition of this matter, including pendency of the preliminary injunction issued herewith.

IT IS SO ORDERED.

Dated: August 15, 2003
Syracuse, New York


Norman A. Mordue
United States District Court Judge